

REMARKS/ARGUMENTS

In the Claims:

Claims 1, 4-31, and 33-68 remain pending in the present application. Claims 2, 3, and 32 have been canceled. Claims 1, 4-5, 14-16, 29, 34, 37-38, 43, 47, 52-54 and 63-64 have been amended to more clearly describe the subject matter recited therein.

Rejection of Claims 1-7, 9-16, 18-22, 25-28, 38, 49, and 52-57 Under 35 U.S.C. § 102(e)

The Examiner rejected claims 1-7, 9-16, 18-22, 25-28, 38, 49, and 52-57 under 35 U.S.C. § 102(e) as being anticipated by Okuhata (US 2002/0029238 A1). As Applicant does not believe Okuhata to teach the subject matter of claims 1-7, 9-16, 18-22, 25-28, 38, 49, and 52-57, the rejection is respectfully traversed.

Claim 1.

Claim 1 has been amended to recite that the user input data store stores users' input data (i.e., input data from multiple users) relating to broadcast elements and that the scheduler schedules one or more of the broadcast elements at least partially on the users' input data. Basis for these changes are found throughout the specification as filed and, in particular, at page 16, lines 5 to 15.

The above changes clarify that the scheduling system as claimed has a user input data store for receiving inputs from multiple users which are used to schedule one or more broadcast elements and that the users' inputs are in relation to said broadcast elements rather than specific to scheduling data as taught by Okuhata. It should be noted that there is nothing in the disclosure of Okuhata and, in particular, paragraph

0036 that teaches or suggests that inputs from many users relating to broadcast elements are used collectively in scheduling broadcast elements.

The invention therefore provides an interactive broadcast system that is reactive to users' inputs in respect of broadcast elements such that a very flexible scheduling system can be implemented that is reactive to the weight and content of users' inputs.

In contrast, Okuhata teaches a distributed scheduling system comprising separate schedulers connected by a network (figure 1), there being no requirement for a common scheduling server as in prior art systems (paragraph 0003). As such, in Okuhata, each distributed scheduler (figure 2) connected to the network comprises its own processing and storage means and a user input for receiving input from a user relating to scheduling data. The user input delivers user input relating to scheduling data to a schedule display processing unit such that said input can be used to change a broadcast schedule for that user. Okuhata does not disclose any user input data store for storing users' input data relating to broadcast elements.

Consequently, Okuhata does not teach all of the limitations of claim 1 and thus does not anticipate claim 1.

Furthermore, the system of Okuhata is directed to avoiding the need for a common server and, by inference, a common data store, for processing users' inputs and so teaches away from the claimed arrangement. In any event, the function of the system of Okuhata is quite different to that of the present application. The present application is directed to a scheduling system that can take account of multiple users' inputs to interactively schedule and reschedule broadcast elements whereas Okuhata is

directed to a distributed scheduling system that enables individual users separately negotiate their broadcast schedules.

Applicant has amended independent claims 1, 38, 52 to more clearly describe the subject matter recited therein. As Applicant believes independent claims 1, 38, 52 to be allowable, claims 2-7, 9-16, 18-22, 25-28, 49, and 53-57, which depend respectively therefrom, would also be allowable.

Rejection of Claims 8, 23-24, 29-37, 50 and 64-68 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 8, 23-24, 29-37, 50 and 64-68 under 35 U.S.C. § 103(a) as being unpatentable over Okuhata (US 2002/0029238 A1) in view of Daniels (US 2002/0100044 A1). As Applicant does not believe Okuhata in view of Daniels to teach or suggest the subject matter of claims 8, 23-24, 29-37, 50 and 64-68, the rejection is respectfully traversed.

Independent claims 38 and 52 have each been amended to recite “users’ inputs” and thus the foregoing observation in respect of claim 1 apply equally to these claims which are not considered anticipated by Okuhata.

The claims depending from independent claims 1, 38 and 52 are not anticipated by Okuhata by virtue of their dependency on a base claim not anticipated by this reference. Furthermore, figure 3A of Okuhata does not disclose a playlist (claim 6). Figure 3A shows email addresses of scheduler users. Similar observations apply to many of the dependent claims where the features alleged to be disclosed by Okuhata do not actually comprise what is alleged. Careful reconsideration of the content of Okuhata in respect of the dependent claims is requested.

In view of the fact that Daniels (US2002/0100044) relates to a client system for remotely controlling a video recorder rather than a scheduling system forming a network, there is nothing in the disclosure of Daniels that accounts for the aforementioned deficiencies of Okuhata that could lead one skilled in the art to the interactive scheduling system as claimed. Consequently, the Patent Office has not met its burden of establishing a *prima facie* case of obviousness.

Claim 29

Independent claim 29 has been amended in like manner to claim 1 to recite that users' inputs are used to assemble broadcast elements for broadcast. There is no disclosure or suggestion in either of Okuhata or Daniels that inputs from users (plural) are used for assembling broadcast elements for broadcast. Consequently, the combination of Okuhata and Daniels cannot lead one of ordinary skill in the art to the claimed arrangement. Furthermore, since Okuhata directed to avoiding the need for a common server and, by inference, processing users' inputs and so teaches away from the claimed arrangement. In any event, the function of the system of Okuhata is quite different to that of the present application. The present application is directed to a scheduling system that can take account of multiple users' inputs to interactively schedule and reschedule broadcast elements whereas Okuhata is directed to a distributed scheduling system that enables individual users separately negotiate their broadcast schedules.

It is respectfully submitted that independent claim 29 is not rendered obvious by the combination of Okuhata and Daniels.

Independent claim 64 has been amended in a manner similar to independent claim 29 and thus like observations to the foregoing apply.

Applicant has amended independent claims 1, 29, 38 and 64 to more clearly describe the subject matter recited therein. As Applicant believes independent claims 1, 29, 38 and 64 to be allowable, claims 8, 23-24, 30-37, 50 and 65-68, which depend respectively therefrom, would also be allowable.

Accordingly, applicant believes that the claims as presented place the application in order for allowance.

Rejection of Claims 17, 39-48, 51 and 58-63 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 17, 39-48, 51 and 58-63 under 35 U.S.C. § 103(a) as being unpatentable over Okuhata (US 2002/0029238 A1) in view of Bansal (US 2004/0083489 A1). Applicant has amended independent claims 1, 38, 52 and 64 to more clearly describe the subject matter recited therein. As Applicant believes independent claims 1, 38, 52 and 64 to be allowable, claims 17, 39-48, 51 and 58-63, which depend respectively therefrom, would also be allowable.

CONCLUSION

Applicant has amended claims 1, 4-5, 14-16, 29, 34, 37-38, 43, 47, 52-54 and 63-64 and has canceled claims 2, 3, and 32. Applicant has also distinguished the subject matter of the present invention over the teachings of the references cited as prior art by the Examiner.

Therefore, Applicant respectfully submits that the present application is now in condition for allowance, and such action is earnestly requested. Telephone inquiry to the undersigned in order to clarify or otherwise expedite prosecution of the present application is respectfully encouraged.

Respectfully submitted,

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